

## PREFACE

This supplement contains amendments to the environmental regulations adopted during the 3rd quarter of 2005 (July - September).

The amendments in this publication include the following:

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Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation	IA005	September 20, 2005
Part XV. Radiation Protection	RP039ft	July 20, 2005

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‘ft’ - Fast-Track Rule – Federal regulations promulgated in accordance with expedited procedures in R.S. 49:953(F)(3)

Brenda Hayden  
Environmental Regulatory Code Editor



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## Title 33

### ENVIRONMENTAL QUALITY

#### Part I. Office of the Secretary

#### Subpart 3. Laboratory Accreditation

#### Chapter 45. Policy and Intent

##### §4503. Definitions

A. When used in these rules and regulations, the following words and phrases shall have the meanings ascribed to them below.

\* \* \*

*Test Category*—any one of the 11 categories listed in LAC 33:I.4705.B in which a laboratory may request department accreditation for a specific test or analysis.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:918 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1434 (July 2000),

amended by the Office of Environmental Assessment, LR 31:1570 (July 2005).

#### Chapter 47. Program Requirements

##### §4705. Categories of Accreditation

A. ...

B. A laboratory may apply for accreditation in any one or more of the eight fields of testing (e.g., air emissions, wastewater/surface water, etc.) and in one or more of the 11 test categories applicable to the field(s) of testing selected. The laboratory shall be accredited in those parameters within the test category(ies) for which the laboratory demonstrates acceptable performance on proficiency samples (when available) and meets all other requirements of the department accreditation program. The accreditation test categories are as follows:

B.1. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001), amended by the Office of Environmental Assessment, LR 31:1570 (July 2005).

## Title 33

### ENVIRONMENTAL QUALITY

#### Part III. Air

#### Chapter 5. Permit Procedures

##### §507. Part 70 Operating Permits Program

A. - B.1. ...

2. No Part 70 source may operate after the time that the owner or operator of such source is required to submit a permit application under Subsection C of this Section, unless an application has been submitted by the submittal deadline and such application provides information addressing all applicable sections of the application form and has been certified as complete in accordance with LAC 33:III.517.B.1. No Part 70 source may operate after the deadline provided for supplying additional information requested by the permitting authority under LAC 33:III.519, unless such additional information has been submitted within the time specified by the permitting authority. Permits issued to the Part 70 source under this Section shall include the elements required by 40 CFR 70.6. The department hereby adopts and incorporates by reference the provisions of 40 CFR 70.6(a), July 1, 2004. Upon issuance of the permit, the Part 70 source shall be operated in compliance with all terms and conditions of the permit. Noncompliance with any federally applicable term or condition of the permit shall constitute a violation of the Clean Air Act and shall be grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application.

C. - J.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011, 2023, 2024, and 2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:1420 (November 1993), LR 20:1375 (December 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2447 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:698 (May 2003), LR 30:1008 (May 2004), amended by the Office of Environmental Assessment, LR 31:1061 (May 2005), LR 31:1568 (July 2005).

#### Chapter 21. Control of Emission of Organic Compounds

##### Subchapter N. Method 43—Capture Efficiency Test Procedures

##### §2160. Procedures

A. Except as provided in Subsection C of this Section, the regulations at 40 CFR Part 51, Appendix M, July 1, 2004, are hereby incorporated by reference.

B. - C.2.b.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:653 (July 1991), amended LR 22:1212 (December 1996), LR 23:1680 (December 1997), LR 24:1286 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:1224 (August 2001), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005).

#### Chapter 30. Standards of Performance for New Stationary Sources (NSPS)

##### Subchapter A. Incorporation by Reference

##### §3003. Incorporation by Reference of 40 Code of Federal Regulations (CFR) Part 60

A. Except for 40 CFR Part 60, Subpart AAA and as modified in this Section, Standards of Performance for New Stationary Sources, published in the *Code of Federal Regulations* at 40 CFR Part 60, July 1, 2004, are hereby incorporated by reference as they apply to the state of Louisiana.

B. Corrective modification and clarification are made as follows.

1. Whenever the referenced regulations (i.e., 40 CFR Part 60) provide authority to “the Administrator,” such authority, in accordance with these regulations, shall be exercised by the administrative authority or his designee, notwithstanding any authority exercised by the U.S. Environmental Protection Agency (EPA). Reports, notices, or other documentation required by the referenced regulations (i.e., 40 CFR Part 60) to be provided to “the Administrator” shall be provided to the Office of Environmental Assessment, Air Quality Assessment Division, where the state is designated authority by EPA as “the Administrator,” or shall be provided to the Office of Environmental Assessment, Air Quality Assessment Division, and EPA where EPA retains authority as “the Administrator.”

2. 40 CFR Part 60, Subpart A, Section 60.4 (b)(T) shall be modified to read as follows: State of Louisiana: Office of Environmental Assessment, Air Quality Assessment Division, Department of Environmental Quality.

B.3. - B.7. ...

8. The minimum standards of the following emission guidelines of 40 CFR Part 60 that are incorporated by reference shall be applied to applicable units in the state.

40 CFR Part 60	Subpart Heading
* * *	
[See Prior Text in Subparts Cb -Cd]	
Subpart Ce	Emission Guidelines and Compliance Times for Hospital/Medical/Infectious Waste Incinerators
Subpart BBBB	Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999
* * *	
[See Prior Text in Subpart DDDD]	

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 22:1212 (December 1996), amended LR 23:1681 (December 1997), LR 24:1287 (July 1998), LR 24:2238 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1239 (July 1999), LR 25:1797 (October 1999), LR 26:1607 (August 2000), LR 26:2460, 2608 (November 2000), LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 28:2179 (October 2002), LR 29:316 (March 2003), LR 29:698 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1568 (July 2005).

## Chapter 51. Comprehensive Toxic Air Pollutant Emission Control Program

### Subchapter B. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

#### §5116. Incorporation by Reference of 40 CFR Part 61 (National Emission Standards for Hazardous Air Pollutants)

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants, published in the *Code of Federal Regulations* at 40 CFR Part 61, July 1, 2004, and specifically listed in the following table, are hereby incorporated by reference as they apply to sources in the state of Louisiana.

40 CFR Part 61	Subpart /Appendix Heading
* * *	
[See Prior Text in Subpart A – Appendix C]	

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1658 (December 1997), LR 24:1278 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1797 (October 1999), LR 26:2271 (October 2000), LR 27:2230

(December 2001), LR 28:995 (May 2002), LR 28:2179 (October 2002), LR 29:699 (May 2003), LR 30:1009 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005).

### Subchapter C. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources

#### §5122. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Major Sources

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of Federal Regulations* at 40 CFR Part 63, July 1, 2004, are hereby incorporated by reference as they apply to major sources in the state of Louisiana.

B. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:61 (January 1997), amended LR 23:1659 (December 1997), LR 24:1278 (July 1998), LR 24:2240 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 25:1798 (October 1999), LR 26:690 (April 2000), LR 26:2271 (October 2000), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 29:1474 (August 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005).

### Subchapter M. Asbestos

#### §5151. Emission Standard for Asbestos

A. - J.4.d. ...

i. a copy of the waste shipment record for which a confirmation of delivery was not received; and

ii. a cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts;

J.4.e. - P.2.a. ...

b. When response actions are performed by contracted personnel, those persons shall be accredited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1204 (December 1991), repealed and repromulgated LR 18:1121 (October 1992), amended LR 20:1277 (November 1994), LR 24:27 (January 1998), amended

by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2462 (November 2000), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), LR 31:1570 (July 2005).

## **Chapter 53. Area Sources of Toxic Air Pollutants**

### **Subchapter B. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources**

#### **§5311. Incorporation by Reference of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) as It Applies to Area Sources**

A. Except as modified in this Section and specified below, National Emission Standards for Hazardous Air Pollutants for Source Categories, published in the *Code of Federal Regulations* at 40 CFR Part 63, July 1, 2004, and specifically listed in the following table, are hereby incorporated by reference as they apply to area sources in the state of Louisiana.

40 CFR Part 63	Subpart /Appendix Heading
* * *	
[See Prior Text in Subparts A – AAAA]	
Subpart IIIII	National Emission Standards for Hazardous Air Pollutants: Mercury Emission From Mercury Cell Chlor-Alkali Plants

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:63 (January 1997), amended LR 23:1660 (December 1997), LR 24:1279 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1464 (August 1999), LR 27:2230 (December 2001), LR 28:995 (May 2002), LR 28:2180 (October 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 31:1569 (July 2005).

## **Chapter 59. Chemical Accident Prevention and Minimization of Consequences**

### **Subchapter A. General Provisions**

#### **§5901. Incorporation by Reference of Federal Regulations**

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR Part 68, July 1, 2004.

B. - C.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:652 (April 1998), LR 25:425 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:70 (January 2000), LR 26:2272 (October 2000), LR 28:463 (March 2002), LR 29:699 (May 2003), LR 30:1010 (May 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), LR 31:1570 (July 2005).

**Title 33, Part V**

**Title 33**  
**ENVIRONMENTAL QUALITY**

**Part V. Hazardous Waste and  
Hazardous Materials**

**Subpart 1. Department of  
Environmental Quality—Hazardous  
Waste**

**Chapter 5. Permit Application  
Contents**

**Subchapter E. Specific Information  
Requirements**

**§529. Specific Part II Information Requirements for  
Incinerators**

Except as LAC 33:V.Chapter 31 and Subsection F of this Section provide otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of Subsection A, B, or C of this Section:

A. when seeking an exemption under LAC 33:V.3105.B or C (ignitable, corrosive, or reactive wastes only):

1. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49, solely because it is ignitable (Hazard Code I) or corrosive (Hazard Code C) or both; or

2. documentation that the waste is listed as a hazardous waste in LAC 33:V.Chapter 49, solely because it is reactive (Hazard Code R) for characteristics other than those listed in LAC 33:V.4903.C.4 and C.5, and will not be burned when other hazardous wastes are present in the combustion zone; or

3. documentation that the waste is a hazardous waste solely because it possesses the characteristics of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous waste under LAC 33:V.4903; or

4. documentation that the waste is a hazardous waste solely because it possesses the reactivity characteristics listed in LAC 33:V.4903.C.1, 2, 3, 6, 7, or 8, and that it will not be burned when other hazardous wastes are present in the combustion zone; or

B. - C.5.b. ...

6. the expected incinerator operation information to demonstrate compliance with LAC 33:V.3111 and 3117, including:

C.6.a. - D.1. ...

2. the incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under LAC 33:V.3117) operating conditions that will ensure that

the performance standards in LAC 33:V.3111 will be met by the incinerator;

E. - F. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2011(D)(24)(a) and 2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 22:817 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:2199 (November 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:292 (March 2001), LR 29:319 (March 2003), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005).

**Chapter 11. Generators**

**Subchapter A. General**

**§1109. Pre-Transport Requirements**

A. Packaging. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package the waste in accordance with the applicable Department of Public Safety regulations and packaging under LAC 33:V.Subpart 2.Chapter 103.

1. Hazardous waste, liquid, or solid not otherwise specified must meet the requirement of Subchapter C of 49 CFR, and/or the Louisiana Hazardous Material Regulations Subchapter C. Special attention must be directed towards LAC 33:V.Subpart 2.Chapter 105.

2. - 3. ...

B. Labeling. Before transporting or offering hazardous waste for transportation off-site, a generator must label each package in accordance with the applicable transportation regulations on hazardous materials of the Louisiana Department of Public Safety and Corrections or its successor agency under LAC 33:V.Subpart 2.Chapter 105.

C. Marking. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the Department of Public Safety regulations (see Department of Public Safety regulation LAC 33:V.Subpart 2.Chapter 105).

Hazardous Waste: Federal and state law prohibits improper disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency.

Generator's Name and Address \_\_\_\_\_

Manifest Document Number \_\_\_\_\_

D. Placarding. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard or offer the initial transporter the appropriate placards according to Department of Public Safety regulations for hazardous materials under LAC 33:V.Subpart 2.Chapter 105.

E. - E.1.a. ...

i. in containers and the generator complies with the applicable requirements of LAC 33:V.2103, 2105, 2107, 2109.A, 2113, 2115, and Chapter 43.Subchapters Q, R, and V; and/or

ii. ...

iii. on drip pads and the generator complies with LAC 33:V.2801, 2803, 2805, 2807, 2809, and 2811 and maintains the following records at the facility:

1.a.iii.(a). - 7. ...

a. the generator complies with the requirements of LAC 33:V.2103, 2105, 2107, 2109.A, and 2115;

7.b. - 10.d.i. ...

(a). in containers and the generator complies with the applicable requirements of LAC 33:V.2103, 2105, 2107, 2109.A, 2113, 2115, and Chapter 43.Subchapters Q, R, and V; and/or

10.d.i.(b). - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005).

#### **§1115. Preparedness and Prevention**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), repealed by the Office of Environmental Assessment, LR 31:1572 (July 2005).

#### **§1117. Contingency Plan**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), repealed by the Office of Environmental Assessment, LR 31:1572 (July 2005).

## **Chapter 17. Air Emission Standards**

### **Subchapter A. Process Vents**

#### **§1705. Applicability**

A. - A.2.Note. ...

3. The requirements of this Subchapter do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents that would otherwise be subject to this Subchapter are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable Clean Air Act regulation codified under 40 CFR Part 60, Part 61, or Part 63. The documentation of compliance under regulations at 40 CFR Part 60, Part 61, or Part 63 shall be kept with, or made readily available with, the facility operating record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1698 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:294 (March 2001), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

## **Chapter 19. Tanks**

#### **§1907. Containment and Detection of Releases**

A. - E.2.e. ...

i. meets the definitions of ignitable waste under LAC 33:V.4903.B; or

ii. meets the definition of reactive waste under LAC 33:V.4903.D, and may form an ignitable or explosive vapor;

E.2.f. - I.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

#### **§1917. Special Requirements for Ignitable or Reactive Wastes**

A. - A.1. ...

a. the resulting waste, mixture, or dissolved material no longer meets the definition of ignitable or reactive waste under LAC 33:V.4903.B or D; and

A.1.b. - B. ...

## Title 33, Part V

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 13:651 (November 1987), amended LR 22:819 (September 1996), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

## Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

### §3023. Standards for Direct Transfer

A. - D.1. ...

2. the use and management requirements of LAC 33:V.Chapter 43.Subchapter H, except for LAC 33:V.4417 and 4425 except that, in lieu of the special requirements of LAC 33:V.4427 for ignitable or reactive waste, the owner or operator may comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys, or an adjacent property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's (NFPA) "Flammable and Combustible Liquids Code," (1977 or 1981), as incorporated by reference at LAC 33:V.110. The owner or operator must obtain and keep on file at the facility a written certification by the local fire marshal that the installation meets the subject NFPA codes; and

D.3.-E.6. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:826 (September 1996), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

## Chapter 37. Financial Requirements

### Subchapter B. Post-Closure Requirements

#### §3711. Financial Assurance for Post-Closure Care

The owner or operator of a hazardous waste management unit subject to the requirements of LAC 33:V.3709 must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. Under this Section, the owner or operator must choose from the options as specified in Subsections A-F of this Section, which choice the administrative authority must find acceptable based on the application and the circumstances.

A. - F.5. ...

6. If the owner or operator no longer meets the requirements of LAC 33:V.3711.F.1, he must send notice to the Office of Management and Finance, Financial Services Division, of intent to establish alternate financial assurance as specified in this Part. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

F.7. - I. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2180 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 14:791 (November 1988), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1512 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2490 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005).

## Subchapter F. Financial and Insurance Instruments

### §3719. Wording of the Instruments

A. - E. ...

F. Closure Guarantee. A letter from the chief financial officer, as specified in LAC 33:V.3707.F.3 or 3711.F.3 or 4403.E.3 or 4407.E.3, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

LETTER FROM CHIEF FINANCIAL OFFICER

(Closure and/or Post-Closure Care)

\* \* \*

[See Prior Text in Letter]

G. Liability Coverage Guarantee. A letter from the chief financial officer, as specified in LAC 33:V.3715.F or 4411, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

LETTER FROM CHIEF FINANCIAL OFFICER

(Liability Coverage)

\* \* \*

[See Prior Text in Letter]

PART A. LIABILITY COVERAGE FOR SUDDEN AND  
NONSUDDEN OCCURRENCES

[Fill in Alternative I if the first criteria of LAC 33:V.3707.F.1 or 4411.F.1 are used. Fill in Alternative II if the second criteria of LAC 33:V.3707.F.1 or 4411.F.1 are used.]

## Title 33, Part V

\* \* \*

[See Prior Text in Letter]

H. - N.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:47 (January 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1514 (November 1997), repromulgated LR 23:1684 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2493 (November 2000), amended by the Office of Environmental Assessment, LR 30:2023 (September 2004), LR 31:1573 (July 2005).

## Chapter 40. Used Oil

### Subchapter D. Standards for Used Oil Transporter and Transfer Facilities

#### §4037. Tracking

A. - A.4. ...

5. the signature, dated upon receipt of the used oil, of a representative of the generator, transporter, or processor/refiner who provided the used oil for transport. Intermediate rail transporters are not required to sign the record of acceptance.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005).

## Chapter 49. Lists of Hazardous Wastes

[Comment: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

### §4901. Category I Hazardous Wastes

A. - F. Table 4. ...

G. Constituents that Serve as a Basis for Listing Hazardous Waste. Table 6 of this Section lists constituents that serve as a basis for listing hazardous waste.

Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste	
<b>EPA Hazardous Waste Number F001</b>	Tetrachloroethylene; methylene chloride; trichloroethylene; 1,1,1-trichloroethane; carbon tetrachloride; chlorinated fluorocarbons
<b>EPA Hazardous Waste Number F002</b>	Tetrachloroethylene; methylene chloride; trichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; chlorobenzene; 1,1,2-trichloro-1,2,2-trifluoroethane; ortho-dichlorobenzene; trichlorofluoromethane
<b>EPA Hazardous Waste Number F003</b>	N.A.
<b>EPA Hazardous Waste Number F004</b>	Cresols and cresylic acid; nitrobenzene
<b>EPA Hazardous Waste Number F005</b>	Toluene; methyl ethyl ketone; carbon disulfide; isobutanol; pyridine; 2-ethoxyethanol; benzene; 2-nitropropane
<b>EPA Hazardous Waste Number F006</b>	Cadmium; hexavalent chromium; nickel; cyanide (complexed)
<b>EPA Hazardous Waste Number F007</b>	Cyanide (salts)
<b>EPA Hazardous Waste Number F008</b>	Cyanide (salts)
<b>EPA Hazardous Waste Number F009</b>	Cyanide (salts)
<b>EPA Hazardous Waste Number F010</b>	Cyanide (salts)
<b>EPA Hazardous Waste Number F011</b>	Cyanide (salts)
<b>EPA Hazardous Waste Number F012</b>	Cyanide (complexed)
<b>EPA Hazardous Waste Number F019</b>	Hexavalent chromium; cyanide (complexed)
<b>EPA Hazardous Waste Number F020</b>	Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts
<b>EPA Hazardous Waste Number F021</b>	

## Title 33, Part V

Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste	
Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives	<b>EPA Hazardous Waste Number F022</b>
Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans	<b>EPA Hazardous Waste Number F023</b>
Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts	<b>EPA Hazardous Waste Number F024</b>
Chloromethane; dichloromethane; trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; hexachlorocyclohexane; benzene; chlorobenzene; dichlorobenzenes; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene	<b>EPA Hazardous Waste Number F025</b>
Chloromethane; dichloromethane; trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; tetrachloroethylene; pentachloroethane; hexachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzenes; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene	<b>EPA Hazardous Waste Number F026</b>
Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans	<b>EPA Hazardous Waste Number F027</b>
Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts	<b>EPA Hazardous Waste Number F028</b>
Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine, and other salts	<b>EPA Hazardous Waste Number F032</b>
Benz(a)anthracene; benzo(a)pyrene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene; pentachlorophenol; arsenic; chromium; tetra-, penta-, hexa-, heptachlorodibenzo-p-dioxins; tetra-, penta-, hexa-, heptachlorodibenzofurans	<b>EPA Hazardous Waste Number F034</b>
Benz(a)anthracene; benzo(k)fluoranthene; benzo(a)pyrene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene; naphthalene; arsenic; chromium	<b>EPA Hazardous Waste Number F035</b>
Arsenic; chromium; lead	<b>EPA Hazardous Waste Number F037</b>
Benzene; benzo(a)pyrene; chrysene; lead; chromium	<b>EPA Hazardous Waste Number F038</b>
Benzene; benzo(a)pyrene; chrysene; lead; chromium	<b>EPA Hazardous Waste Number F039</b>
All constituents for which treatment standards are specified for multi-source leachate (wastewaters and nonwastewaters) under LAC 33:V.2247, Table 2	<b>EPA Hazardous Waste Number K001</b>
Pentachlorophenol; phenol; 2-chlorophenol; p-chloro-m-cresol; 2,4-dimethylphenol; 2,4-dinitrophenol; trichlorophenols; tetrachlorophenols; 2,4-dinitrophenol; creosote; chrysene; naphthalene; fluoranthene; benzo(b)fluoranthene; benzo(a)pyrene; indeno(1,2,3-cd)pyrene; benz(a)anthracene; dibenz(a)anthracene; acenaphthalene	<b>EPA Hazardous Waste Number K002</b>
Hexavalent chromium; lead	<b>EPA Hazardous Waste Number K003</b>
Hexavalent chromium; lead	<b>EPA Hazardous Waste Number K004</b>
Hexavalent chromium	<b>EPA Hazardous Waste Number K005</b>
Hexavalent chromium; lead	<b>EPA Hazardous Waste Number K006</b>
Hexavalent chromium	<b>EPA Hazardous Waste Number K007</b>
Cyanide (complexed); hexavalent chromium	<b>EPA Hazardous Waste Number K008</b>
Hexavalent chromium	<b>EPA Hazardous Waste Number K009</b>
Chloroform; formaldehyde; methylene chloride; methyl chloride; paraldehyde; formic acid	<b>EPA Hazardous Waste Number K010</b>
Chloroform; formaldehyde; methylene chloride; methyl chloride; paraldehyde; formic acid; chloroacetaldehyde	<b>EPA Hazardous Waste Number K011</b>
Acrylonitrile; acetonitrile; hydrocyanic acid	

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Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste	
<b>EPA Hazardous Waste Number K013</b>	Hydrocyanic acid; acrylonitrile; acetonitrile
<b>EPA Hazardous Waste Number K014</b>	Acetonitrile; acrylamide
<b>EPA Hazardous Waste Number K015</b>	Benzyl chloride; chlorobenzene; toluene; benzotrachloride
<b>EPA Hazardous Waste Number K016</b>	Hexachlorobenzene; hexachlorobutadiene; carbon tetrachloride; hexachloroethane; perchloroethylene
<b>EPA Hazardous Waste Number K017</b>	Epichlorohydrin; chloroethers [bis(chloromethyl) ether and bis(2-chloroethyl) ether]; trichloropropane; dichloropropanols
<b>EPA Hazardous Waste Number K018</b>	1,2-dichloroethane; trichloroethylene; hexachlorobutadiene; hexachlorobenzene
<b>EPA Hazardous Waste Number K019</b>	Ethylene dichloride; 1,1,1-trichloroethane; 1,1,2-trichloroethane; tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane); trichloroethylene; tetrachloroethylene; carbon tetrachloride; chloroform; vinyl chloride; vinylidene chloride
<b>EPA Hazardous Waste Number K020</b>	Ethylene dichloride; 1,1,1-trichloroethane; 1,1,2-trichloroethane; tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane); trichloroethylene; tetrachloroethylene; carbon tetrachloride; chloroform; vinyl chloride; vinylidene chloride
<b>EPA Hazardous Waste Number K021</b>	Antimony; carbon tetrachloride; chloroform
<b>EPA Hazardous Waste Number K022</b>	Phenol; tars (polycyclic aromatic hydrocarbons)
<b>EPA Hazardous Waste Number K023</b>	Phthalic anhydride; maleic anhydride
<b>EPA Hazardous Waste Number K024</b>	Phthalic anhydride; 1,4-naphthoquinone
<b>EPA Hazardous Waste Number K025</b>	Meta-dinitrobenzene; 2,4-dinitrotoluene
<b>EPA Hazardous Waste Number K026</b>	Paraldehyde; pyridines; 2-picoline
<b>EPA Hazardous Waste Number K027</b>	Toluene diisocyanate; toluene-2,4-diamine
<b>EPA Hazardous Waste Number K028</b>	1,1,1-trichloroethane; vinyl chloride
<b>EPA Hazardous Waste Number K029</b>	1,2-dichloroethane; 1,1,1-trichloroethane; vinyl chloride; vinylidene chloride; chloroform
<b>EPA Hazardous Waste Number K030</b>	Hexachlorobenzene; hexachlorobutadiene; hexachloroethane; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; ethylene dichloride
<b>EPA Hazardous Waste Number K031</b>	Arsenic
<b>EPA Hazardous Waste Number K032</b>	Hexachlorocyclopentadiene
<b>EPA Hazardous Waste Number K033</b>	Hexachlorocyclopentadiene
<b>EPA Hazardous Waste Number K034</b>	Hexachlorocyclopentadiene
<b>EPA Hazardous Waste Number K035</b>	Creosote; chrysene; naphthalene; fluoranthene; benzo(b)fluoranthene; benzo(a)pyrene; indeno(1,2,3-cd)pyrene; benzo(a)anthracene; dibenzo(a)anthracene; acenaphthalene
<b>EPA Hazardous Waste Number K036</b>	Toluene; phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K037</b>	Toluene; phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K038</b>	Phorate; formaldehyde; phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K039</b>	Phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K040</b>	Phorate; formaldehyde; phosphorodithioic and phosphorothioic acid esters
<b>EPA Hazardous Waste Number K041</b>	Toxaphene
<b>EPA Hazardous Waste Number K042</b>	Hexachlorobenzene; ortho-dichlorobenzene
<b>EPA Hazardous Waste Number K043</b>	

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Table 6.	
Table of Constituents that Serve as a Basis for Listing Hazardous Waste	
2,4-dichlorophenol; 2,6-dichlorophenol; 2,4,6-trichlorophenol	
<b>EPA Hazardous Waste Number K044</b>	
N.A.	
<b>EPA Hazardous Waste Number K045</b>	
N.A.	
<b>EPA Hazardous Waste Number K046</b>	
Lead	
<b>EPA Hazardous Waste Number K047</b>	
N.A.	
<b>EPA Hazardous Waste Number K048</b>	
Hexavalent chromium; lead	
<b>EPA Hazardous Waste Number K049</b>	
Hexavalent chromium; lead	
<b>EPA Hazardous Waste Number K050</b>	
Hexavalent chromium	
<b>EPA Hazardous Waste Number K051</b>	
Hexavalent chromium; lead	
<b>EPA Hazardous Waste Number K052</b>	
Lead	
<b>EPA Hazardous Waste Number K060</b>	
Cyanide; naphthalene; phenolic compounds; arsenic	
<b>EPA Hazardous Waste Number K061</b>	
Hexavalent chromium; lead; cadmium	
<b>EPA Hazardous Waste Number K062</b>	
Hexavalent chromium; lead	
<b>EPA Hazardous Waste Number K064</b>	
Lead; cadmium	
<b>EPA Hazardous Waste Number K065</b>	
Do	
<b>EPA Hazardous Waste Number K066</b>	
Do	
<b>EPA Hazardous Waste Number K069</b>	
Hexavalent chromium; lead; cadmium	
<b>EPA Hazardous Waste Number K071</b>	
Mercury	
<b>EPA Hazardous Waste Number K073</b>	
Chloroform; carbon tetrachloride; hexachloroethane; trichloroethane; tetrachloroethylene; dichloroethylene; 1,1,2,2-tetrachloroethane	
<b>EPA Hazardous Waste Number K083</b>	
Aniline; diphenylamine; nitrobenzene; phenylenediamine	
<b>EPA Hazardous Waste Number K084</b>	
Arsenic	
<b>EPA Hazardous Waste Number K085</b>	
Benzene; dichlorobenzenes; trichlorobenzenes; tetrachlorobenzenes; pentachlorobenzene; hexachlorobenzene; benzyl chloride	
<b>EPA Hazardous Waste Number K086</b>	
Lead; hexavalent chromium	
<b>EPA Hazardous Waste Number K087</b>	
Phenol; naphthalene	
<b>EPA Hazardous Waste Number K088</b>	
Cyanide (complexes)	
<b>EPA Hazardous Waste Number K090</b>	
Chromium	
<b>EPA Hazardous Waste Number K091</b>	
Do	
<b>EPA Hazardous Waste Number K093</b>	
Phthalic anhydride; maleic anhydride	
<b>EPA Hazardous Waste Number K094</b>	
Phthalic anhydride	
<b>EPA Hazardous Waste Number K095</b>	
1,1,2-trichloroethane; 1,1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane	
<b>EPA Hazardous Waste Number K096</b>	
1,2-dichloroethane; 1,1,1-trichloroethane; 1,1,2-trichloroethane	
<b>EPA Hazardous Waste Number K097</b>	
Chlordane; heptachlor	
<b>EPA Hazardous Waste Number K098</b>	

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Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste	
Toxaphene	
<b>EPA Hazardous Waste Number K099</b>	
2,4-dichlorophenol; 2,4,6-trichlorophenol	
<b>EPA Hazardous Waste Number K100</b>	
Hexavalent chromium; lead; cadmium	
<b>EPA Hazardous Waste Number K101</b>	
Arsenic	
<b>EPA Hazardous Waste Number K102</b>	
Arsenic	
<b>EPA Hazardous Waste Number K103</b>	
Aniline; nitrobenzene; phenylenediamine	
<b>EPA Hazardous Waste Number K104</b>	
Aniline; benzene; diphenylamine; nitrobenzene; phenylenediamine	
<b>EPA Hazardous Waste Number K105</b>	
Benzene; monochlorobenzene; dichlorobenzenes; 2,4,6-trichlorophenol	
<b>EPA Hazardous Waste Number K106</b>	
Mercury	
<b>EPA Hazardous Waste Number K107</b>	
1,1-dimethylhydrazine (UDMH)	
<b>EPA Hazardous Waste Number K108</b>	
1,1-dimethylhydrazine (UDMH)	
<b>EPA Hazardous Waste Number K109</b>	
1,1-dimethylhydrazine (UDMH)	
<b>EPA Hazardous Waste Number K110</b>	
1,1-dimethylhydrazine (UDMH)	
<b>EPA Hazardous Waste Number K111</b>	
2,4-dinitrotoluene	
<b>EPA Hazardous Waste Number K112</b>	
2,4-toluenediamine; o-toluidine; p-toluidine; aniline	
<b>EPA Hazardous Waste Number K113</b>	
2,4-toluenediamine; o-toluidine; p-toluidine; aniline	
<b>EPA Hazardous Waste Number K114</b>	
2,4-toluenediamine; o-toluidine; p-toluidine	
<b>EPA Hazardous Waste Number K115</b>	
2,4-toluenediamine	
<b>EPA Hazardous Waste Number K116</b>	
Carbon tetrachloride; tetrachloroethylene; chloroform; phosgene	
<b>EPA Hazardous Waste Number K117</b>	
Ethylene dibromide	
<b>EPA Hazardous Waste Number K118</b>	
Ethylene dibromide	
<b>EPA Hazardous Waste Number K123</b>	
Ethylene thiourea	
<b>EPA Hazardous Waste Number K124</b>	
Ethylene thiourea	
<b>EPA Hazardous Waste Number K125</b>	
Ethylene thiourea	
<b>EPA Hazardous Waste Number K126</b>	
Ethylene thiourea	
<b>EPA Hazardous Waste Number K131</b>	
Dimethyl sulfate; methyl bromide	
<b>EPA Hazardous Waste Number K132</b>	
Methyl bromide	
<b>EPA Hazardous Waste Number K136</b>	
Ethylene dibromide	
<b>EPA Hazardous Waste Number K141</b>	
Benzene; benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene	
<b>EPA Hazardous Waste Number K142</b>	
Benzene; benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene	
<b>EPA Hazardous Waste Number K143</b>	
Benzene; benz(a)anthracene; benzo(b)fluoranthene; benzo(k)fluoranthene	
<b>EPA Hazardous Waste Number K144</b>	
Benzene; benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene	
<b>EPA Hazardous Waste Number K145</b>	
Benzene; benz(a)anthracene; benzo(a)pyrene; dibenz(a,h)anthracene; naphthalene	

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Table 6. Table of Constituents that Serve as a Basis for Listing Hazardous Waste	
<b>EPA Hazardous Waste Number K147</b>	Benzene; benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene
<b>EPA Hazardous Waste Number K148</b>	Benz(a)anthracene; benzo(a)pyrene; benzo(b)fluoranthene; benzo(k)fluoranthene; dibenz(a,h)anthracene; indeno(1,2,3-cd)pyrene
<b>EPA Hazardous Waste Number K149</b>	Benzotrichloride; benzyl chloride; chloroform; chloromethane; chlorobenzene; 1,4-dichlorobenzene; hexachlorobenzene; pentachlorobenzene; 1,2,4,5-tetrachlorobenzene; toluene
<b>EPA Hazardous Waste Number K150</b>	Carbon tetrachloride; chloroform; chloromethane; 1,4-dichlorobenzene; hexachlorobenzene; pentachlorobenzene; 1,2,4,5-tetrachlorobenzene; 1,1,2,2-tetrachloroethane; tetrachloroethylene; 1,2,4-trichlorobenzene
<b>EPA Hazardous Waste Number K151</b>	Benzene; carbon tetrachloride; chloroform; hexachlorobenzene; pentachlorobenzene; toluene; 1,2,4,5-tetrachlorobenzene; tetrachloroethylene
<b>EPA Hazardous Waste Number K156</b>	Benomyl; carbaryl; carbendazim; carbofuran; carbosulfan; formaldehyde; methylene chloride; triethylamine
<b>EPA Hazardous Waste Number K157</b>	Carbon tetrachloride; formaldehyde; methyl chloride; methylene chloride; pyridine; triethylamine
<b>EPA Hazardous Waste Number K158</b>	Benomyl; carbendazim; carbofuran; carbosulfan; chloroform; methylene chloride
<b>EPA Hazardous Waste Number K159</b>	Benzene; butylate; EPTC; molinate; pebulate; vernolate
<b>EPA Hazardous Waste Number K161</b>	Antimony; arsenic; metam-sodium; ziram
<b>EPA Hazardous Waste Number K169</b>	Benzene
<b>EPA Hazardous Waste Number K170</b>	Benzo(a)pyrene; dibenz(a,h)anthracene; benz(a)anthracene; benzo(b)fluoranthene; benzo(k)fluoranthene; 3-methylcholanthrene; 7,12-dimethylbenz(a)anthracene
<b>EPA Hazardous Waste Number K171</b>	Benzene; arsenic
<b>EPA Hazardous Waste Number K172</b>	Benzene; arsenic
<b>EPA Hazardous Waste Number K174</b>	1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD); 1,2,3,4,6,7,8-heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF); 1,2,3,4,7,8,9-heptachlorodibenzofuran (1,2,3,4,7,8,9-HpCDF); HxCDDs (all hexachlorodibenzo-p-dioxins); HxCDFs (all hexachlorodibenzofurans); PeCDDs (all pentachlorodibenzo-p-dioxins); OCDD (1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin); OCDF (1,2,3,4,6,7,8,9-octachlorodibenzofuran); PeCDFs (all pentachlorodibenzofurans); TCDDs (all tetrachlorodibenzo-p-dioxins); TCDFs (all tetrachlorodibenzofurans)
<b>EPA Hazardous Waste Number K175</b>	Mercury
<b>EPA Hazardous Waste Number K176</b>	Arsenic; lead
<b>EPA Hazardous Waste Number K177</b>	Antimony
<b>EPA Hazardous Waste Number K178</b>	Thallium

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR

20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829, 840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR 27:715 (May 2001), LR 28:1009 (May 2002), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005).

## Title 33

### Environmental Quality

#### Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation

#### Chapter 11. Brownfields Cleanup Revolving Loan Fund Program

##### §1101. Introduction

A. The Louisiana Legislature has found that the cleanup, redevelopment, and reuse of brownfields sites in the state should be encouraged and facilitated for the benefit of the citizens of the state by way of economic development, health, and aesthetics. The legislature has also found that providing loans for the cleanup of brownfields sites will result in benefits to the public by reducing risk to public health and the environment.

B. The purpose of these regulations is to establish procedures for the establishment and operation of a Brownfields Cleanup Revolving Loan Fund Program that will make low-interest loans available to political subdivisions, public trusts, quasi-governmental organizations, nonprofit organizations, or private entities for the cleanup of brownfields properties.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005).

##### §1103. Authority

A. Act 655 of the 2004 Regular Session of the Louisiana Legislature enacted R.S. 30:2551-2552, which authorize the creation of a Brownfields Cleanup Revolving Loan Fund. This act also authorizes the department to make loans to political subdivisions, public trusts, quasi-governmental organizations, nonprofit organizations, or private entities for the cleanup of brownfields properties.

B. Act 655 of 2004 further provides authority for the department to establish regulations and procedures for the loan program and authorizes political subdivisions, public trusts, quasi-governmental organizations, nonprofit organizations, or private entities to make loans from the fund.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005).

##### §1105. Definitions

*Applicant*—any entity that submits an application for a loan in accordance with these regulations.

*Bonds*—bonds, notes, renewal notes, certificates of indebtedness, refunding bonds, interim certificates, debentures, warrants, commercial paper, or other obligations or evidences of indebtedness authorized to be issued by the department.

*Brownfields Site*—real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Such property may also be referred to as a brownfield or as brownfields property.

*Department*—the Department of Environmental Quality.

*Eligible Costs*—those project costs that are reasonable, necessary, and allocable to the project, permitted by appropriate federal and state cost principles and approved in the loan agreement, and that are not prohibited by federal or state regulations or guidance.

*Fund*—the Brownfields Cleanup Revolving Loan Fund.

*In-Kind Contributions*—non-cash third-party contributions made directly to a federally assisted project or program, including donated time and effort, real and nonexpendable personal property, and goods and services that meet the requirements of applicable federal guidance.

*Loan*—a loan of money from the Brownfields Cleanup Revolving Loan Fund.

*Nonprofit Organization*—any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized principally for profit; and uses net proceeds to maintain, improve, or expand the operation of the organization.

*Responsible Person*—a responsible person as defined in R.S. 30:2285.2.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005).

##### §1107. Eligibility for Participation in the Program

A. Applicant Eligibility. The applicant must meet all of the following requirements to be eligible to participate in the Brownfields Cleanup Revolving Loan Fund Program.

1. The applicant must be authorized to incur debt and enter into legally binding agreements.

2. The applicant must own the brownfields site to be remediated using loan funds prior to the initial disbursement of funds.

3. The applicant must not be a *responsible person* as defined in LAC 33:VI.1105.

4. The applicant must demonstrate the financial ability to repay the loan in a timely fashion.

5. The applicant must not be subject to any unpaid fines or penalties for lack of compliance with environmental laws or regulations at the brownfields site subject to the loan.

6. The applicant must not be subject to any past-due fees owed to the department.

7. The credit history of the applicant must be in good standing.

8. Applicants for loans made from federal brownfields funding sources must meet requirements for such applicants provided in federal guidance.

**B. Site Eligibility.** All sites must meet the following requirements in order to be eligible and to remain eligible to participate in the Brownfields Cleanup Revolving Loan Fund Program.

1. Only brownfields sites located in the state of Louisiana are eligible.

2. The site must be eligible for participation in the Louisiana Voluntary Remediation Program as provided in LAC 33:VI.Chapter 9, and the applicant must enter the program by submitting a completed voluntary remediation application for the site to the department within 120 days of the execution of the loan agreement, unless an extension is granted by the administrative authority. The site must remain in the Louisiana Voluntary Remediation Program to remain eligible for the loan program. All application and oversight fees associated with the voluntary remediation shall be paid in a timely fashion in accordance with those regulations.

3. Cleanup of the site shall be accomplished within 18 months of the date of the execution of the loan agreement, unless an extension is granted by the administrative authority.

4. The cleanup of contamination associated with motor fuels underground storage tanks that are eligible for the Louisiana Motor Fuels Underground Storage Tank Trust Fund is not eligible for the loan program.

5. Sites at which only petroleum contamination is present (petroleum-only sites) must meet eligibility requirements for petroleum sites found in federal guidance.

6. Sites at which loans would be funded from federal brownfields funding sources must meet all requirements provided in federal guidance.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005).

#### **§1109. Ineligible and Eligible Costs**

**A. Ineligible Costs.** Loan funds cannot be used for:

1. payment of penalties or fines, or for federal cost-sharing requirements;

2. indirect costs or for any administrative costs such as direct costs associated with grant administration incurred

to comply with the Uniform Administrative Requirements for Grants in 40 CFR Part 30 (however, loan funds may be used for programmatic costs);

3. payment of any fees or oversight cost reimbursements required by the department;

4. site acquisition or development/redevelopment and construction activities that are not corrective actions;

5. pre-cleanup activities (i.e., site investigation and identification of the nature and extent of contamination and associated data collection);

6. monitoring and data collection necessary to apply for, or comply with, environmental permits under other state or federal laws, unless such a permit is a required component of the corrective action;

7. ordinary operating expenses of the local government or nonprofit or private organization;

8. personal injury compensation or damages arising out of the project;

9. purchase of any equipment costing more than \$5,000;

10. cleanup of a substance that occurs in a natural condition at a site; or

11. any other costs prohibited by federal regulation or guidance.

**B. Eligible Costs.** Loan funds may be used for:

1. programmatic costs that are integral to achieving the purposes of the loan as described in the most current edition of the federal "Proposal Guidelines for Brownfields Assessment, Revolving Loan Fund, and Cleanup Grants" guidance document or its equivalent;

2. preparation of a voluntary remediation application, including development of the voluntary remedial action plan, as described in LAC 33:VI.911.B;

3. remediation of an eligible site pursuant to and in conformance with the Louisiana Voluntary Remediation Program;

4. preparation of a voluntary remedial action report, as described in LAC 33:VI.913.C.1;

5. required public notice, public hearing, and other community involvement activities associated with the remediation of an eligible site; and

6. purchase of environmental insurance.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005).

#### **§1111. Loan Requirements**

**A.** The maximum loan amount shall be \$200,000 per brownfields site and shall not exceed the estimated cost of the project. Under special circumstances this maximum loan

amount may be increased by the department. The department may award loans that are less than the total project cost for a brownfields site. Loan amounts cannot be increased after the loan award due to cost overruns or other reasons. The borrower must apply for another loan to get additional funds.

B. The interest rate for loans will be updated by the department as needed and will be less than the current prime interest rate. Loan agreements may provide for reduction or forgiving of interest rates for early repayment of the loan. There shall be no penalties imposed for early repayment of a loan.

C. The term of the loan (the time period over which the loan must be paid back) shall not exceed 20 years from the date of the completion of the project. The actual term for each loan shall be determined by the department and the department may require a shorter loan term based on circumstances. Loan principal and interest repayment schedules shall be set by the department, with the first installment being due within one year of the date of the project's completion.

D. A match (cost-share) of up to 20 percent of the loan amount may be required of the applicant by the department for any loan made. Eligible "in-kind" contributions may be allowed as cost-shares by the department.

E. Applicants must demonstrate their ability to repay the loans. The department may require a loan recipient to provide security or collateral for the loan, including the subject property. A local government or nonprofit applicant may be required to provide evidence of a dedicated revenue source to repay the loan.

F. Applicants subject to oversight by the State Bond Commission must comply with R.S. 30:2552.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005).

### **§1113. Loan Application Process**

A. The department may choose to accept loan applications on a continuous basis as funding permits or may announce specific application periods for acceptance of loan applications. If the department announces specific application periods, loan applications must be received on or before the deadline set by the department.

B. Applicants for loans shall complete and submit to the department an application package in a format specified by the department, including a Brownfields Cleanup Revolving Loan Fund Application Form that will be provided by the department. The application package must also include, but is not limited to:

1. a complete description of the project, including the sources and uses of funds, the project schedule, the estimated cost to complete the project, the estimated completion date, the amount of loan funds requested, and the source of other funding, if needed, to complete the project;

2. the last three years of the borrower's financial statements, which shall include the income statement, balance sheet, and cash flow statement, and tax returns;

3. an interim financial statement no more than 90 days old;

4. two years of financial projections, which must include an income statement, balance sheet, cash flow statement, and notes to the financial statements for each year;

5. an approved remedial investigation report as described in LAC 33:VI.911.B.3;

6. a written access agreement providing the department and its authorized representatives full access to the site;

7. an agreement to maintain financial records of the project, to conduct financial audits of these financial records, and to make the records available to the department promptly upon request;

8. if a cost-share is required by the department during this loan application period, a description of how the applicant will provide the cost-share for the project;

9. all information regarding the site required by the department to assist the department in determining eligibility of the site for participation in the loan program;

10. other information regarding the project requested in the application package to assist the department in ranking the project for funding;

11. proof of ownership of the property, or a purchase agreement with the current owner of the property, including evidence of clear title;

12. an appraisal of the estimated value of the property after the voluntary remedial action is complete;

13. discussion and evidence, as requested in the application form, demonstrating the eligibility under these regulations of the applicant and the property for a revolving loan;

14. a comprehensive redevelopment plan describing the future redevelopment and use of the property, including cost estimates for the redevelopment plan, and any economic and community benefits resulting from the cleanup and redevelopment of the property; and

15. other items specified in the application form or otherwise required by the department.

C. The department may request clarification or further information from applicants after receiving the applications. The department also reserves the right to reject incomplete applications.

D. Brownfields Cleanup Revolving Loan Fund applications accepted by the department may be ranked according to prioritization criteria to be established by the department.

E. Applicants will be accepted for loan funding based upon ranking and site-specific criteria, state-wide priorities, funds currently allocated and available for lending, and other relevant factors as determined by the department.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005).

**§1115. Loan Agreements, Closing of Loans, and Disbursement of Loan Funds**

A. Upon selection of an applicant to receive a loan, the department will prepare and execute a loan agreement with the applicant. The loan agreement will provide for:

1. the loan term;
2. the repayment schedule;
3. the interest rate;
4. provisions in case of default;
5. a cost-share, if required;
6. timelines and budgets for completing various phases of the project of voluntary remediation;
7. provisions for disbursement of loan funds to the borrower;
8. any required security or collateral for the loan; and
9. other necessary provisions as determined by the department.

B. No loan funds shall be disbursed to the borrower until the loan agreement is executed and until such costs are incurred by the borrower.

C. Disbursement requests shall be of the form and type required by the department and shall be supplemented with copies of all invoices for each cost incurred. The borrower shall maintain complete documentation of all project costs for audit purposes. The borrower shall be responsible for maintaining financial control of the project by carefully reviewing all disbursement requests and supplemental documentation before submitting disbursement requests to the department. The borrower must certify each disbursement request before submittal.

D. Disbursement requests must be received by the date established by the department.

E. The borrower shall promptly remit each disbursement to the firm or individual to whom payment is due, and the borrower is solely responsible for paying those firms or individuals. The department may at its discretion make certain payments directly to such firms or individuals as provided in specific loan agreements.

F. Documentation of project costs paid for with revolving loan funds, as well as disbursement requests and invoices, must record and account for costs separately from any project costs paid or to be paid for from other funding sources.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2219 (September 2005).

**§1117. Recordkeeping, Confidentiality of Records, and Inspection of Records and Participating Sites**

A. The applicant must maintain complete financial and other records as required in the loan application and loan agreement, and make them available promptly to the department upon request as provided in Subsection B of this Section. Financial records must account for and record costs and expenditures to be funded with revolving loan funds separately from costs and expenditures to be funded from other funding sources. Recordkeeping shall meet the requirements of applicable federal guidance, and all records shall be kept by the borrower until the loan is completely repaid or at least three years after the cleanup is completed, whichever is later.

B. From the time of first submission of the loan application, throughout all stages of remediation, and at any time during the applicant's participation in the loan program, authorized representatives of the department shall have the right to inspect any and all projects, and any and all incidental works, areas, facilities, and premises otherwise pertaining to the project for which the application was made. The department shall further have the same right to inspect any and all books, accounts, records, contracts or other instruments, documents, or information possessed by the applicant or entity representing the applicant that relates to the receipt, deposit, or expenditure of loan funds or to the planning, design, construction, and operation of any facilities that may have been constructed as a result of such loan funds. By submittal of a revolving loan fund application, the applicant shall be deemed to consent and agree to the right of reasonable inspection and the applicant shall allow the department all necessary and reasonable access and opportunity for such purposes.

C. Any requests for confidentiality of any documents submitted by an applicant or loan recipient must be handled in accordance with and will be governed by LAC 33.I.Chapter 5.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2219 (September 2005).

**§1119. Prioritization of Applicants and Sites to Receive Loan Funds**

A. Applicants may be prioritized for receipt of loan funds based on the ranking criteria in this Section. These factors may be further elaborated, refined, or detailed in the loan application.

B. The criteria (not in order of importance) for ranking applicants are as follows:

1. the potential of the site for redevelopment and productive reuse;

2. the potential for creation of temporary and permanent jobs and/or increased state and local tax revenues by the cleanup, redevelopment, and reuse of the site;
3. the potential of the project to create greenspace;
4. the ability of the applicant to repay the loan;
5. other cleanup funds available to the applicant to supplement revolving loan fund dollars;
6. funds available to the applicant to redevelop the property;
7. the degree of need for community revitalization in the area surrounding the site, as evidenced by significant

deterioration, job loss, majority low-income households, or other factors as determined by the department;

8. the estimated value of the remediated property as compared to the estimated cost of the cleanup of that property; and

9. other ranking factors provided by the department.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2220 (September 2005).

**Title 33****ENVIRONMENTAL QUALITY****Part VII. Solid Waste****Subpart 1. Solid Waste Regulations****Chapter 1. General Provisions and Definitions****§115. Definitions**

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

\* \* \*

*Construction/Demolition Debris*—nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding asbestos-contaminated waste, white goods, furniture, trash, or treated lumber. The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other type of solid waste (excluding woodwaste or yard trash) will cause it to be classified as other than construction/demolition debris.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:1576 (July 2005).

**Chapter 7. Solid Waste Standards****Subchapter D. Minor Processing and Disposal Facilities****§721. Construction and Demolition Debris and Woodwaste Landfills and Processing Facilities (Type III)**

A. - C.1.e.ii. ...

iii. *yard trash* as defined in LAC 33:VII.115.

C.1.f. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 20:1001 (September 1994), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), repromulgated LR 27:705 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), LR 31:1577 (July 2005).

**Title 33**  
**ENVIRONMENTAL QUALITY**

**Part IX. Water Quality**

**Subpart 2. The Louisiana Pollutant  
Discharge Elimination System (LPDES)  
Program**

**Chapter 25. Permit Application and  
Special LPDES Program  
Requirements**

**§2505. Concentrated Animal Feeding Operations**

A. - G.6. ...

H. Duty to Maintain Permit Coverage. No later than 180 days before the expiration of a permit, the permittee must submit an application to renew its permit, in accordance with LAC 33:IX.2501.I. However, the permittee need not continue to seek continued permit coverage or reapply for a permit if:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:467 (March 2002), LR 29:1463 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:1577 (July 2005).

## Title 33

### ENVIRONMENTAL QUALITY

#### Part XI. Underground Storage Tanks

##### Chapter 1. Program Applicability and Definitions

###### §103. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless specifically defined otherwise in LAC 33:XI.1105 or 1303.

\* \* \*

*Response Action Contractor*—a person who has been approved by the department and is carrying out any response action, excluding a person retained or hired by such person to provide specialized services relating to a response action. When emergency conditions exist as a result of a release from a motor fuels underground storage tank, this term shall include any person performing department-approved emergency response actions during the first 72 hours following the release.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2558 (November 2000), LR 27:520 (April 2001), amended by the Office of Environmental Assessment, LR 31:1065 (May 2005), LR 31:1577 (July 2005).

##### Chapter 11. Financial Responsibility

###### §1121. Use of the Motor Fuels Underground Storage Tank Trust Fund

The administrative authority was authorized by R.S. 30:2194-2195.10 to receive and administer the Motor Fuels Underground Storage Tank Trust Fund (MFUSTTF) to provide financial responsibility for owners or operators of underground motor fuel storage tanks. Under the conditions described in this Section, an owner or operator who is eligible for participation in the MFUSTTF may use this mechanism to partially fulfill the financial responsibility requirements for eligible USTs. To use the MFUSTTF as a mechanism for meeting the requirements of LAC 33:XI.1107, the owner or operator must be an *eligible participant* as defined in Subsection A of this Section. In addition, the owner or operator must use one of the other mechanisms described in LAC 33:XI.1111-1119 or 1123-

1125 to demonstrate financial responsibility for the amounts specified in Subsection C of this Section, which are the responsibility of the participant and not covered by the MFUSTTF.

A. Definitions. The following terms shall have the meanings ascribed to them as used in this Section.

*Advisory Board*—the Motor Fuels Underground Storage Tank Trust Fund Advisory Board (established under R.S. 30:2195.8), whose eight members consist of the following:

- a. the secretary of the Department of Environmental Quality or his designee;
- b. four members appointed by the president of the Louisiana Oil Marketers and Convenience Store Association;
- c. one member appointed by the Mid-Continent Oil and Gas Association; and
- d. two members appointed by the secretary who represent the response action contractor community.

\* \* \*

*Motor Fuels Underground Storage Tank*—a UST used only to contain an accumulation of motor fuels.

\* \* \*

B. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2561 (November 2000), LR 27:521 (April 2001), amended by the Office of Environmental Assessment, LR 31:1577 (July 2005).

###### §1139. Bankruptcy or Other Incapacity of Owner or Operator or Provider of Financial Assurance

A. - C. ...

D. Within 30 days after receipt of notification that the Motor Fuels Underground Storage Tank Trust Fund (MFUSTTF) has become incapable of paying for assured corrective action or third-party compensation costs, the owner or operator must obtain alternate financial assurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2562 (November 2000), amended by the Office of Environmental Assessment, LR 31:1578 (July 2005).

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part XV. Radiation Protection**  
**Chapter 3. Licensing of Radioactive**  
**Material**  
**Subchapter D. Specific Licenses**

**§325. General Requirements for the Issuance of Specific Licenses**

A. - C.5.d. ...

**D. Financial Assurance and Recordkeeping for Decommissioning**

1. Each applicant for a specific license authorizing the possession and use of unsealed radioactive material of half-life greater than 120 days and in quantities exceeding  $10^5$  times the applicable quantities set forth in LAC 33:XV.399.Appendix D shall submit a decommissioning funding plan as described in Paragraph D.6 of this Section. The decommissioning funding plan must also be submitted when a combination of isotopes is involved if R divided by  $10^5$  is greater than 1 (unity rule), where R is defined here as the sum of the ratios of the quantity of each isotope to the applicable value in LAC 33:XV.399.Appendix D.

2. Each holder of, or applicant for, any specific license authorizing the possession and use of radioactive material of half-life greater than 120 days and in quantities exceeding  $10^{12}$  times the applicable quantities set forth in LAC 33:XV.399.Appendix D (or when a combination of isotopes is involved if R, as defined in Paragraph D.1 of this Section, divided by  $10^{12}$  is greater than 1), shall submit a decommissioning funding plan as described in Paragraph D.6 of this Section. The decommissioning funding plan must be submitted to the department by December 2, 2005.

3. Each applicant for a specific license authorizing possession and use of radioactive material of half-life greater than 120 days and in quantities specified in Paragraph D.5 of this Section shall either:

a. submit a decommissioning funding plan as described in Paragraph D.6 of this Section; or

b. submit a certification that financial assurance for decommissioning has been provided in the amount prescribed by Paragraph D.5 of this Section using one of the methods described in Paragraph D.7 of this Section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued, but prior to the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of Paragraph D.7 of this Section shall be submitted to the Office of Environmental Compliance, Emergency and Radiological Services Division, before

receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to the Office of Environmental Compliance, Emergency and Radiological Services Division, as part of the certification, a signed original of the financial instrument obtained to satisfy the requirements of Paragraph D.7 of this Section.

4. Each holder of a specific license of a type described in Paragraph D.1 or 2 of this Section shall provide financial assurance for decommissioning in accordance with the criteria set forth in this Section.

a. Each holder of a specific license of a type described in Paragraph D.1 of this Section shall submit a decommissioning funding plan, as described in Paragraph D.6 of this Section, or a certification of financial assurance for decommissioning in an amount at least equal to \$1,125,000 in accordance with the criteria set forth in this Section. If the licensee submits the certification of financial assurance rather than a decommissioning funding plan, the licensee shall include a decommissioning funding plan in any application for license renewal.

b. Each holder of a specific license of a type described in Paragraph D.2 of this Section shall submit a certification of financial assurance for decommissioning, or a decommissioning funding plan, as described in Paragraph D.6 of this Section, in accordance with the criteria set forth in this Section.

c. Any licensee who has submitted an application for renewal of license in accordance with LAC 33:XV.333 shall provide financial assurance for decommissioning in accordance with Paragraphs D.1 and 2 of this Section. This assurance shall be submitted when this rule becomes effective.

d. Waste collectors and waste processors, as defined in LAC 33:XV.499.Appendix D, shall provide financial assurance in an amount based on a decommissioning funding plan as described in Paragraph D.6 of this Section. The decommissioning funding plan shall include the cost of disposal of the maximum amount (in curies) of radioactive material permitted by license, and the cost of disposal of the maximum quantity, by volume, of radioactive material that could be present at the licensee's facility at any time, in addition to the cost to remediate the licensee's site to meet the license termination criteria of LAC 33:Part XV. The decommissioning funding plan must be submitted by December 2, 2005.

5. The following table lists required amounts of financial assurance for decommissioning by quantity of material. Licensees required to submit the \$1,125,000 amount shall do so by December 2, 2005. Licensees required to submit the \$113,000 or \$225,000 amount shall do so by June 2, 2006. Licensees having possession limits exceeding the upper bounds of this table shall base financial assurance on a decommissioning funding plan.

Greater than $10^7$ but less than or equal to $10^8$ times the applicable quantities of LAC 33:XV.399.Appendix D in unsealed form (for a combination of isotopes, if R, as defined in Paragraph D.1 of this Section, divided by $10^4$ is greater than 1 but R divided by $10^5$ is less than or equal to 1).	\$1,125,000
Greater than $10^5$ but less than or equal to $10^6$ times the applicable quantities of LAC 33:XV.399.Appendix D in unsealed form (for a combination of isotopes, if R, as defined in Paragraph D.1 of this Section, divided by $10^3$ is greater than 1 but R divided by $10^4$ is less than or equal to 1).	\$225,000
Greater than $10^{10}$ times the applicable quantities of LAC 33:XV.399.Appendix D in sealed sources or plated foils (for a combination of isotopes, if R, as defined in Paragraph D.1 of this Section, divided by $10^{10}$ is greater than 1).	\$113,000

6. Each decommissioning funding plan shall contain a cost estimate for decommissioning and a description of the method of assuring funds for decommissioning from Paragraph D.7 of this Section, including means of adjusting cost estimates and associated funding levels periodically over the life of the facility. Cost estimates shall be adjusted at intervals not to exceed three years. The decommissioning funding plan shall also contain a certification by the licensee that financial assurance for decommissioning has been provided in the amount of the cost estimate for decommissioning and a signed original of the financial instrument obtained to satisfy the requirements of Paragraph D.7 of this Section.

7. Financial assurance for decommissioning shall be provided by one or more of the following methods.

a. Prepayment. Prepayment is the deposit prior to the start of operation into an account segregated from licensee assets and outside the licensee's administrative control of cash or liquid assets such that the amount of funds would be sufficient to pay decommissioning costs. Prepayment may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities.

b. Surety Method, Insurance, or Other Guarantee Method. These methods guarantee that decommissioning costs will be paid. A surety method may be in the form of a surety bond, letter of credit, or line of credit. A parent company guarantee of funds for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in LAC 33:XV.399.Appendix B. A parent company guarantee may not be used in combination with other financial methods to satisfy the requirements of this Section. For commercial corporations that issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs based on a financial test may be used if the guarantee and test are as contained in LAC 33:XV.399.Appendix B. For commercial companies that do not issue bonds, a guarantee of funds by the applicant or licensee for decommissioning costs may be used if the guarantee and test are as contained in LAC 33:XV.399.Appendix E. For nonprofit entities, such as

colleges, universities, and nonprofit hospitals, a guarantee of funds by the applicant or licensee may be used if the guarantee and test are as contained in LAC 33:XV.399.Appendix F. A guarantee by the applicant or licensee may not be used in combination with any other financial methods used to satisfy the requirements of this Section or in any situation where the applicant or licensee has a parent company holding majority control of the voting stock of the company. Any surety method or insurance used to provide financial assurance for decommissioning shall contain the following conditions.

i. The surety method or insurance must be open-ended or, if written for a specified term, such as five years, must be renewed automatically unless 90 days or more prior to the renewal date, the issuer notifies the Office of Environmental Compliance, Emergency and Radiological Services Division, the beneficiary, and the licensee of its intention not to renew. The surety method or insurance must also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the department within 30 days after receipt of notification of cancellation.

ii. The surety method or insurance must be payable to a trust established for decommissioning costs. The trustee and trust must be acceptable to the department. An acceptable trustee includes an appropriate state or federal government agency or an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

iii. The surety method or insurance must remain in effect until the department has terminated the license.

c. External Sinking Fund. An external sinking fund shall have deposits made to it at least annually, and be coupled with a surety method or insurance, the value of which may decrease by the amount being accumulated in the sinking fund. An external sinking fund is a fund established and maintained by setting aside funds periodically in an account segregated from licensee assets and outside the licensee's administrative control in which the total amount of funds would be sufficient to pay decommissioning costs at the time termination of operation is expected. An external sinking fund may be in the form of a trust, escrow account, government fund, certificate of deposit, or deposit of government securities. The surety or insurance provisions must be as stated in Subparagraph D.7.b of this Section.

d. Statement of Intent. In the case of federal, state, or local government licensees, a statement of intent shall be included containing a cost estimate for decommissioning or an amount based on the table in Paragraph D.5 of this Section, and indicating that funds for decommissioning will be obtained when necessary.

e. Arrangement with Governmental Entity. When a governmental entity is assuming custody and ownership of a site, an arrangement shall be made that is deemed acceptable by such governmental entity.

8. Each person licensed under this Chapter shall keep records of information important to the decommissioning of the facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with LAC 33:XV.331.B, licensees shall transfer all records described in this Paragraph to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used. Information the department considers important to decommissioning consists of the following:

a. records of spills or other unusual occurrences involving the spread of contamination in and around the facility, equipment, or site. These records may be limited to instances when contamination remains after any cleanup procedures or when there is reasonable likelihood that contaminants may have spread to inaccessible areas as in the case of possible seepage into porous materials such as concrete. These records must include any known information on identification of involved nuclides, quantities, forms, and concentrations;

b. as-built drawings and modifications of structures and equipment in restricted areas where radioactive materials are used and/or stored, and of locations of possible inaccessible contamination such as buried pipes that may be subject to contamination. If required drawings are referenced, each relevant document need not be indexed individually. If drawings are not available, the licensee shall substitute appropriate records of available information concerning these areas and locations;

c. records of the cost estimate performed for the decommissioning funding plan or of the amount certified for decommissioning, and records of the funding method used for assuring funds if either a funding plan or certification is used;

d. except for areas containing only sealed sources (provided the sources have not leaked or no contamination remains after any leakage has occurred) or radioactive materials having only half-lives of less than 65 days, a list contained in a single document and updated every two years that shall be kept on the following:

i. all areas designated and formerly designated *restricted areas* as defined in LAC 33:XV.102;

ii. all areas outside of restricted areas that require documentation under Subparagraph D.8.a of this Section;

iii. all areas outside of restricted areas where current and previous wastes have been buried, as documented under LAC 33:XV.478; and

iv. all areas outside of restricted areas that contain material such that, if the license expired, the licensee would be required to either decontaminate the area to meet the criteria for decommissioning in LAC 33:XV.332.E, or apply for approval for disposal under LAC 33:XV.461.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2001 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 23:1140 (September 1997), LR 24:2091 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1017 (May 2000), LR 26:2568 (November 2000), LR 27:1227 (August 2001), amended by the Office of Environmental Assessment, LR 31:44 (January 2005), LR 31:1578 (July 2005).

## Subchapter Z. Appendices

### §399. Schedules A and B, and Appendices A, B, C, D, E, and F

Schedule A – Appendix D, Note, Note. ...

#### Appendix E

#### Criteria Relating To Use of Financial Tests and Self-Guarantee for Providing Reasonable Assurance of Funds for Decommissioning by Commercial Companies That Have no Outstanding Rated Bonds

A. Introduction. An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that funds will be available for decommissioning costs and on a demonstration that the company passes the financial test of Subsection B of this Appendix. The terms of the self-guarantee are in Subsection C of this Appendix. This Appendix establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

#### B. Financial Test

1. To pass the financial test a company must meet the following criteria:

a. tangible net worth greater than \$10 million, or at least 10 times the total current decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor;

b. assets located in the United States amounting to at least 90 percent of total assets or at least 10 times the total current decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning activities for which the company is responsible as self-guaranteeing licensee and as parent-guarantor;

c. a ratio of cash flow divided by total liabilities greater than 0.15 and a ratio of total liabilities divided by net worth less than 1.5.

2. In addition, to pass the financial test, a company must meet all of the following requirements.

a. The company's independent certified public accountant must have compared the data used by the

company in the financial test, which is required to be derived from the independently audited year-end financial statements, based on United States generally accepted accounting practices, for the latest fiscal year, with the amounts in such financial statements. In connection with that procedure, the licensee shall inform the department within 90 days of any matters that may cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

b. After the initial financial test, the company shall repeat passage of the test within 90 days after the close of each succeeding fiscal year.

c. If the licensee no longer meets the requirements of Paragraph B.1 of this Appendix, the licensee shall send notice to the department of intent to establish alternative financial assurance as specified in department regulations. The notice shall be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year-end financial data show that the licensee no longer meets the financial test requirements. The licensee must provide alternative financial assurance within 120 days after the end of such fiscal year.

C. Company Self-Guarantee. The terms of a self-guarantee that an applicant or licensee furnishes must provide for the following.

1. The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, return receipt requested, to the department. Cancellation may not occur until an alternative financial assurance mechanism is in place.

2. The licensee shall provide alternative financial assurance as specified in department regulations within 90 days following receipt by the department of a notice of cancellation of the guarantee.

3. The guarantee and financial test provisions shall remain in effect until the department has terminated the license or until another financial assurance method acceptable to the department has been put into effect by the licensee.

4. The applicant or licensee shall provide to the department a written guarantee (a written commitment by a corporate officer) that states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the department, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

## Appendix F

### Criteria Relating to Use of Financial Tests and Self-Guarantee For Providing Reasonable Assurance of Funds For Decommissioning by Nonprofit Colleges, Universities, and Hospitals

A. Introduction. An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on furnishing its own guarantee that

funds will be available for decommissioning costs and on a demonstration that the applicant or licensee passes the financial test of Subsection B of this Appendix. The terms of the self-guarantee are in Subsection C of this Appendix. This Appendix establishes criteria for passing the financial test for the self-guarantee and establishes the terms for a self-guarantee.

## B. Financial Test

1. For colleges and universities, to pass the financial test a college or university must meet either the criteria in Subparagraph B.1.a or the criteria in Subparagraph B.1.b of this Appendix:

a. for an applicant or licensee that issues bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P), or Aaa, Aa, or A as issued by Moodys;

b. for an applicant or licensee that does not issue bonds, unrestricted endowment consisting of assets located in the United States of at least \$50 million, or at least 30 times the total current decommissioning cost estimate (or the current amount required if certification is used), whichever is greater, for all decommissioning activities for which the college or university is responsible as a self-guaranteeing licensee.

2. For hospitals, to pass the financial test a hospital must meet either the criteria in Subparagraph B.2.a or the criteria in Subparagraph B.2.b of this Appendix:

a. for an applicant or licensee that issues bonds, a current rating for its most recent uninsured, uncollateralized, and unencumbered bond issuance of AAA, AA, or A as issued by Standard and Poors (S&P), or Aaa, Aa, or A as issued by Moodys;

b. for an applicant or licensee that does not issue bonds, all of the following tests must be met:

i. total revenues less total expenditures, divided by total revenues, shall be equal to or greater than 0.04;

ii. long term debt divided by net fixed assets shall be less than or equal to 0.67;

iii. current assets and depreciation fund, divided by current liabilities, shall be greater than or equal to 2.55;

iv. operating revenues shall be at least 100 times the total current decommissioning cost estimate (or the current amount required if certification is used) for all decommissioning activities for which the hospital is responsible as a self-guaranteeing licensee.

3. In addition, to pass the financial test, a licensee must meet all of the following requirements.

a. The licensee's independent certified public accountant must have compared the data used by the licensee in the financial test, which is required to be derived from the independently audited year-end financial statements, based on United States generally accepted

accounting practices, for the latest fiscal year, with the amounts in such financial statements. In connection with that procedure, the licensee shall inform the department within 90 days of any matters coming to the attention of the auditor that cause the auditor to believe that the data specified in the financial test should be adjusted and that the licensee no longer passes the test.

b. After the initial financial test, the licensee shall repeat passage of the test within 90 days after the close of each succeeding fiscal year.

c. If the licensee no longer meets the requirements of Paragraph B of this Appendix, the licensee shall send notice to the department of its intent to establish alternative financial assurance as specified in department regulations. The notice shall be sent by certified mail, return receipt requested, within 90 days after the end of the fiscal year for which the year-end financial data show that the licensee no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.

C. Self-Guarantee. The terms of a self-guarantee that an applicant or licensee furnishes must provide for the following.

1. The guarantee shall remain in force unless the licensee sends notice of cancellation by certified mail, and/or return receipt requested, to the department. Cancellation may not occur unless an alternative financial assurance mechanism is in place.

2. The licensee shall provide alternative financial assurance as specified in department regulations within 90

days following receipt by the department of a notice of cancellation of the guarantee.

3. The guarantee and financial test provisions shall remain in effect until the department has terminated the license or until another financial assurance method acceptable to the department has been put into effect by the licensee.

4. The applicant or licensee shall provide to the department a written guarantee (a written commitment by a corporate officer or officer of the institution) that states that the licensee will fund and carry out the required decommissioning activities or, upon issuance of an order by the department, the licensee will set up and fund a trust in the amount of the current cost estimates for decommissioning.

5. If, at any time, the licensee's most recent bond issuance ceases to be rated in any category of "A" or above by either Standard and Poors or Moodys, the licensee shall provide notice in writing of such fact to the department within 20 days after publication of the change by the rating service.

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HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), LR 20:180 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2574 (November 2000), LR 27:1228 (August 2001), amended by the Office of Environmental Assessment, LR 31:46 (January 2005), LR 31:1580 (July 2005).